

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:	§	Attorney Docket No. 9696
Smith, et al.	§	
	§	Customer No. 26890
Serial No. 10/008,259	§	
	§	Group Art Unit: 3622
Filed: October 29, 2001	§	
	§	Examiner: Lastra, Daniel
For: SYSTEM AND METHOD FOR	§	
PROFILING DIFFERENT USERS	§	Confirmation Number: 2587
HAVING A COMMON COMPUTER	§	
IDENTIFIER	§	

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Reply Brief is submitted in response to the Examiner's Answer dated 16 October 2008. For reference purposes, the list of claims is attached hereto as the Claims Appendix.

STATUS OF CLAIMS

Claims 1-24 are pending, stand finally rejected, and are on appeal. Claims 1-24 are set forth in the Claims Appendix attached hereto.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Appellants regard as the invention.

II. Claims 1-24 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application No. 2001/0049620 to Blasko ("Blasko").

ARGUMENT

Examiner's Answer to Appellant's Brief

I. Numbers 10 (Pages 10-15) of the Examiner's Answer Dated 16 October 2008

Claims 1 and 13 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to point out and distinctly claim the subject matter which the Appellants regard as the invention. With regard to the rejection of claims 1 and 13, the Examiner stated the following:

Nowhere, in Appellant's claims 1 and 13 is recited anything about that a key comprises data such as cookie, an IP address, a subscriber identifier...

Examiner's Answer dated 16 October 2008, Page 10.

Appellants note the specification provides examples of key data that may include cookie data, an IP address, a subscriber identifier or the like and it is not necessary to recite such examples in the claims when the claimed "key" and "key data" are clearly definite when read "in light of the specification" by those skilled in the art.

Further, the Examiner stated the following:

Appellant's claims 1 and 13 are rejected under Section 112 second paragraph because it is not clear from the Appellant's claims the relationship between "key data", "key," and "user identifier key".

Examiner's Answer dated 16 October 2008, Page 11.

Appellants respectfully disagree. Appellants submit that is clear the claim term "key data" refers simply to data of a key. Further, the Appellants submit that it is clear that a "user identifier key" comprises a key that identifies a user (See, for example, the subject application, Page 19, Lines 3-8 and Page 20, Lines 3-6).

Thus, Appellants submit claims 1 and 13 are definite and point out and distinctly claim the subject matter which the Appellants regard as the invention. Accordingly, Appellants request the rejections of claims 1 and 13 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to point out and distinctly claim the subject matter which the Appellants regard as the invention be withdrawn.

With regard to the rejections of claims 1-24 under 35 U.S.C. § 102(e) over U.S. Patent Application No. 2001/0049620 to Blasko ("Blasko"), the Examiner has cited various passages of

Blasko as allegedly disclosing the limitations of claim 1. Appellants simply note here that Blasko is wholly devoid of any description or suggestion of “generating a user identifier key from the key data and a user profile history from the extracted profile data in response to the key data corresponding to a key stored in the memory and **the extracted profile data failing to correlate to the user profile history stored in the memory in association with the key stored in the memory.**” Rather, Blasko only describes correlating a user ID with stored profile information. Accordingly, Appellants request withdrawal of the rejection of claims 1-24 under 35 U.S.C. § 102(e) over Blasko.

Conclusion

For all of the foregoing reasons, it is respectfully submitted that claims 1-24 be allowed.
A prompt notice to that effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'STEVEN T. McDONALD', with a large circular flourish at the end.

Steven T. McDonald
Registration No. 45,999

Dated: 16 December 2008

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CLAIMS APPENDIX

1. A system for profiling different users having a common terminal identifier comprising:

memory for storing user profile histories, each user profile history being stored in association with a key;

a server for receiving user activity data from clients over a computer network;

a user activity data analyzer for receiving the user activity data from the server and for extracting profile data from the user activity data;

a user identifier for searching the user activity data for key data that identifies one of a user terminal and a user account and for determining whether the key data located in the user activity data corresponds to a key stored in the memory; and

a user profile generator for generating a user profile history from the extracted profile data and a user identifier key from the key data in response to the key data corresponding to a key stored in the memory and the extracted profile data not corresponding to the user profile history stored in the memory in association with the key that corresponds to the key data, the generated user identifier key indicating the generated user profile history is associated with a user that is different than a user associated with the key stored in the memory.

2. The system of claim 1 wherein the user activity data is session data.

3. The system of claim 1 wherein the user activity data is browse period data.

4. The system of claim 1 wherein the extracted profile data includes a site identifier, a resource identifier, and a terminal identifier.

5. The system of claim 4 wherein the user profile generator generates the user profile history and the user identifier key in response to the key data corresponding to a key stored in the memory and to a low level of correlation existing between the site identifier and the resource identifier of the extracted profile data and site identifiers and resource identifiers in the user profile history stored in the memory in association with the key that corresponds to the key data.
6. The system of claim 5 wherein the extracted profile data includes metadata associated with the site identifier and the resource identifier.
7. The system of claim 1 wherein the user identifier identifies a user at a terminal identified by a computer identifier that generated the user activity data received by the server by determining which one of at least two user profile histories, each of which is stored in the memory in association with a key, each key being associated with the computer identifier that corresponds with the extracted profile data; and the system further includes:

an advertising selector for selecting an advertising file for transmission to the terminal, the selected advertising file corresponding to the identified user.
8. The system of claim 4 wherein the terminal identifier is a cookie.
9. The system of claim 4 wherein the terminal identifier is an Internet protocol (IP) address.
10. The system of claim 6 wherein the terminal identifier is a subscriber identifier.

11. The system of claim 10 wherein the subscriber identifier identifies a cable television network subscriber, the session data identifies a tuned channel, and the metadata identifies program content on the tuned channel.

12. The system of claim 11 wherein the user identifier identifies a user at a terminal identified by a terminal identifier that generated the user activity data received by the server by determining which one of at least two user profile histories, each of which is stored in the memory in association with a key, each key being associated with the terminal identifier, corresponds with the extracted profile data; and the system further includes:

an advertising selector for selecting an advertising file for transmission to the terminal, the selected advertising file corresponding to the identified user.

13. A method for profiling different users having a common terminal identifier comprising:

storing user profile histories in a memory, each user profile history being stored in the memory in association with a key;

receiving user activity data at a server from clients over a computer network;

receiving the user activity data from the server;

extracting profile data from the user activity data;

searching the user activity data for key data that identifies one of a user terminal and a user account;

determining whether the key data located in the user activity data corresponds to a key stored in the memory;

generating a user identifier key from the key data and a user profile history from the extracted profile data in response to the key data corresponding to a key stored in the memory and the extracted profile data failing to correlate to the user profile history stored in the memory in association with the key stored in the memory;

storing the generated user identifier key in the memory; and

storing the generated user profile history in the memory in association with the generated user identifier key and the key to which the key data corresponded so the generated user profile history is associated with a user that is different than a user associated with the user profile history stored in association with the key stored in memory to which the key data corresponded, but both the generated user profile history and the user profile history stored in the memory are associated with the key that corresponded to the key data.

14. The method of claim 13 wherein the profile data is extracted from session data.

15. The method of claim 13 wherein the profile data is extracted from browse period data.

16. The method of claim 13, the determination that the key data corresponds to a key stored in the memory includes: comparing a site identifier and a resource identifier in the extracted profile data with site identifiers and resource identifiers in user profile histories stored in the memory.

17. The method of claim 16, the comparison of the site identifier and the resource identifier in the extracted profile data to site identifiers and resource identifiers in user profile histories further comprising:

detecting a low level of correspondence between the site identifier and the resource identifier of the extracted profile data and the site identifiers and resource identifiers in a user profile history stored in the memory.

18. The method of claim 16 wherein the profile data extraction extracts metadata associated with the site identifier and the resource identifier in the extracted profile data.

19. The method of claim 13 further comprising:

identifying a user at a terminal identified by a computer identifier that generated the user activity data received by the server by determining which one of at least two user profile histories, each of which is stored in the memory in association with a key, each key being associated with the computer identifier, corresponds with the extracted profile data; and

selecting an advertising file for transmission to the terminal, the selected advertising file corresponding to the identified user.

20. The method of claim 16 wherein the comparison of site identifiers in the extracted profile data and the user profile histories stored in the memory compares cookies.

21. The method of claim 16 wherein the comparison of site identifiers in the extracted profile data and the user profile histories stored in the memory compares Internet protocol (IP) addresses.

22. The method of claim 18 wherein the profile data extraction extracts a subscriber identifier that identifies a subscriber site on a cable television network.

23. The method of claim 22 wherein the profile data extraction extracts a tuned channel identifier and metadata, the tuned channel identifier identifying a transmission channel to which a receiver is tuned at the identified subscriber site and the metadata identifies program content on the tuned channel.

24. The method of claim 23 further comprising:

identifying a user at the subscriber site identified by the subscriber identifier by determining which one of at least two user profile histories, each of which is stored in the memory in association with a key, each key being associated with the subscriber identifier for the subscriber site at which the user tuned the channel, corresponds with the extracted profile data; and

selecting an advertising file for transmission to the subscriber site, the selected advertising file corresponding to the identified user.